

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AMERGENT TECHS, LLC,

Petitioner,

v.

TRANSATLANTIC LINES, LLC,

Respondent.

Case No.: 16-CV-1140 JLS (JLB)

**ORDER: (1) ORDERING
PETITIONER TO SHOW CAUSE
WHY THIS ACTION SHOULD NOT
BE DISMISSED UNDER THE FIRST-
TO-FILE RULE, AND
(2) GRANTING IN PART
PETITIONER'S EX PARTE
APPLICATION FOR AN
EXTENSION OF TIME**

(ECF No. 6.)

Presently before the Court is Petitioner Amergent Techs, LLC's *Ex Parte* Application to Extend Filing Deadline for Motion to Compel Arbitration. (*Ex Parte* App., ECF No. 6.) Also pending before the Court is Petitioner's Petition to Compel Arbitration. (Petition, ECF No. 1.)

On June 7, 2016, the Court ordered Petitioner either to file a motion to compel arbitration or a notice of hearing by July 7, 2016. (*See* ECF No. 4 at 1-2.) In its *Ex Parte* Application, Petitioner requests an extension of sixty days on the grounds that "a pending related case pending between the same parties in the U.S. District Court, Southern District of New York," *TransAtlantic Lines LLC v. Amergent Techs, LLC*, No. 1:16-cv-03549-AT

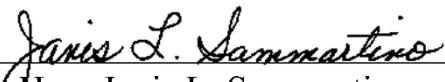
1 (S.D.N.Y.), “has the potential to obviate the need for this court to rule on a motion to
 2 compel Transatlantic to arbitrate.” (*Ex Parte* App. 1–2, ECF No. 6.) Petitioner notes that
 3 “[i]f arbitration in New York is compelled by the New York action, petitioner will dismiss
 4 this case.” (ECF No. 5 at 3.)

5 It is undisputed that this action was filed on the same day that Respondent
 6 TransAtlantic Lines, LLC filed a petition to compel arbitration in the United States District
 7 Court for the Southern District of New York. (*See Ex Parte* App. 1, ECF No. 6; *see also*
 8 ECF No. 5 at 2.) It appears from the parties’ filings that the New York action may have
 9 been filed before this action. (*See, e.g.*, ECF No. 5 at 2.) Principles of comity and sound
 10 judicial administration permit a court to decline jurisdiction over an action when a case
 11 involving the same parties and issues has already been filed in another district. *Pacesetter*
 12 *Sys., Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94–95 (9th Cir. 1982) (citing *Church of*
 13 *Scientology of Cal. v. U.S. Dep’t of the Army*, 611 F.2d 738, 749 (9th Cir. 1979); *Great N.*
 14 *Ry. Co. v. Nat’l R.R. Adjustment Bd.*, 422 F.2d 1187, 1193 (7th Cir. 1970)).

15 The Court therefore **ORDERS PETITIONER TO SHOW CAUSE**, within
 16 fourteen (14) days from the date on which this Order is electronically docketed, why this
 17 Court should not decline jurisdiction under the first-to-file rule and dismiss this action.
 18 *See, e.g.*, Order to Show Cause, *24 Hour Fitness USA, Inc. v. Frei*, No. C11-6008RSM
 19 (W.D. Wash. Apr. 30, 2012), ECF No. 13. Accordingly, the Court **GRANTS IN PART**
 20 **AND DENIES IN PART** Petitioner’s *Ex Parte* Application (ECF No. 6) and **HEREBY**
 21 **STAYS** Petitioner’s obligation to file a motion to compel arbitration or notice a hearing
 22 pursuant to the Court’s June 7, 2016 Order pending resolution of this Court’s jurisdiction.

23 **IT IS SO ORDERED.**

24
 25 Dated: July 5, 2016


 26 Hon. Janis L. Sammartino
 27 United States District Judge
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